

## Message Text

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ACTION DLOS-06

INFO OCT-01 EUR-12 ISO-00 FEA-01 CIAE-00 DODE-00 NSAE-00  
NSCE-00 SSO-00 USIE-00 INRE-00 ACDA-07 AGRE-00 AID-05  
CEA-01 CEQ-01 CG-00 CIEP-01 COME-00 DOTE-00 EB-07  
EPA-01 ERDA-05 FMC-01 TRSE-00 H-01 INR-07 INT-05  
IO-13 JUSE-00 L-03 NSC-05 NSF-01 OES-06 OMB-01 PA-01  
PM-04 PRS-01 SP-02 SS-15 SAL-01 SAJ-01 /116 W

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FM USMISSION NATO

TO SECSTATE WASHDC IMMEDIATE 713

AMEMBASSY BRUSSELS IMMEDIATE

INFO AMEMBASSY PARIS IMMEDIATE

C O N F I D E N T I A L USNATO 6721

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: FRG PRESENTATION AT DECEMBER 6 MILITARY COMMITTEE  
MEETING AT CHIEFS OF STAFF LEVEL

BRUSSELS FOR MR. WINSTON LORD, SECRETARY'S PARTY

PARIS FOR AMBASSADOR LEARSON, LOS DELEGATION

REF: STATE 297822

1. FOLLOWING IS TEXT OF SPEAKING NOTES ON "MILITARY  
IMPLICATIONS OF THE LAW OF THE SEA CONFERENCE BASED ON  
THE RESULTS OF THE FIFTH SESSION" USED BY LTGEN WUST,  
ACTING CHIEF OF STAFF OF THE BUNDESWEHRX.

2. BEGIN TEXT:

THE 3RD US LAW OF THE SEA CONFERENCE ROUNDS OF TALKS HELD  
TO DATE HAVE DEALT MAINLY WITH ECONOMIC POINTS OF VIEW. IN-  
SUFFICIENT IMPORTANCE HAS BEEN ASCRIBED TO THE ASPECTS OF  
SECURITY POLICY, MILITARY POLICY, AND MILITARY STRATEGY.

THE VIEWS HELD BY THE VARIOUS NATO COUNTRIES ON THE EFFECTS  
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OF FUTURE PROVISIONS ON THE LAW OF THE SEA DIFFER. WHILST  
SOME OF THEM VIEW THE SITUATION IN THE OCEANS UNDER WORLD-  
WIDE ASPECTS, OTHERS HAVE TO TAKE MORE ACCOUNT OF REGIONAL  
ASPECTS AND BORDERING SEA PROBLEMS. HOWEVER, BOTH GROUPS OF

PROBLEMS AFFECT THE COMMON INTERESTS OF THE ALLIANCE.

I ELABORATED OUR OWN GERMAN APPRAISAL OF THE NEGOTIATION TEXT IN A LETTER TO THE CHAIRMAN OF THE MC ON 21 JULY LAST, A LETTER WHICH YOU WILL HAVE RECEIVED AS NATO PAPER CMCM 80-76 OF 3 AUGUST 1976.

THE 5TH SESSION OF THE LAW OF THE SEA CONFERENCE, WHICH CLOSED IN NEW YORK A FEW WEEKS AGO, DID NOT GIVE US ANY CAUSE TO REVISE OUR VIEWS; AS WE SEE IT, THE PROBLEMS ARE STILL UNSOLVED. THE ONES I MEAN ARE THE FOLLOWING:

- TRANSIT PASSAGE AND OVERFLIGHT THROUGH/OVER STRAITS,
- THE LEGAL STATUS OF ECONOMIC ZONES,
- THE DEFINITION OF "SEMI-ENCLOSED SEAS", AND
- THE USE OF THE SEA ONLY FOR WHAT ARE TERMED "PEACEFUL PURPOSES".

THE AIM OF THE PROCEEDINGS AT THE NEXT MEETING SHOULD BE TO WORK OUT THE TEXT OF A CONVENTION GUARANTEEING NATO NAVAL UNITS ADEQUATE FREEDOM OF OPERATIONS IN BORDERING SEAS, KEEPING LATITUDE ALLOWING UNILATERAL INTERPRETATIONS TO A MINIMUM, AND YIELDING NO GROUND TO THE WP STRIVING TO TURN THE BALTIC INTO A "MARE CLAUSUM".

THE TIME REMAINING UNTIL THE NEXT MEETING SHOULD BE USED TO ELIMINATE DIFFERENCES OF OPINION AND TO WORK OUT COORDINATED AND UNIFORM POSITIONS ON OUTSTANDING PROBLEMS OF SECURITY POLICY. THIS CAN ENSURE THAT NATO'S ABILITY TO DEFEND KEY POSITIONS-SUCH AS THE BALTIC APPROACHES-IS NOT SEVERELY PREJUDICED BY THE PROVISIONS OF A NEW CONVENTION ON THE LAW OF THE SEA.

I PROPOSE THAT EXPERTS FROM THE MINISTRIES OF FOREIGN AFFAIRS AND DEFENCE IN OUR COUNTRIES MEET AS SOON AS POSSIBLE TO ANALYSE THE VARIOUS PROBLEMS AND DRAFT A COMMON STAND.  
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THE EXPRESSION OF A COORDINATED VIEW OF MATTERS OF SECURITY POLICY BY THE ALLIANCE COUNTRIES FOR THE NEXT REUNION OF THE U.N. LAW OF THE SEA CONFERENCE IN THE SPRING OF 1977 WOULD MANIFEST PROOF OF THE SOLIDARITY OF THE ALLIANCE, STRENGTHEN OUR PLATFORM FOR NEGOTIATIONS, AND WOULD, IN SUMMARY, CONTRIBUTE TO AVOIDING ANY WEAKENING OF OUR POSITION IN RESPECT OF THE WARSAW PACT.

WE SHOULD CONTINUE TO AVOID MAKING MILITARY MATTERS AS SUBJECT OF DIRECT DISCUSSION AT THE LAW OF THE SEA CONFERENCE. NATO-WIDE COORDINATION OF POSITIONS IS IN FACT, A NECESSARY INTERNAL "BEHIND-THE-SCENE-ACTION" WITH THE OBJECTIVE OF DISCERNING MILITARY IMPLICATIONS IN THE

NEGOTIATION TEXT AND OF BRINGING INFLUENCE TO BEAR UPON  
THE COURSE OF THE PROCEEDINGS IN A MANNER CONDUCTIVE TO  
SAFEGUARDING INALIENABLE SECURITY INTERESTS OF THE  
ALLIANCE.

FURTHERMORE, I PROPOSE THAT, SHOULD TODAY'S MEETING  
PRODUCE FAVORABLE RESULTS, THE MINISTERS OF DEFENCE  
BE APPRISED OF THEM AT TOMORROW'S DPC MEETING WITH  
A VIEW TO EXPEDITING THE INITIATION OF THE MEETING OF  
EXPERTS I HAVE PROPOSED TO WORK OUT A COMMON STAND.  
END TEXT.STRAUSZ-HUPE

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 30 AUG 1999  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 08 DEC 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** BoyleJA  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976NATO06721  
**Document Source:** ADS  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** 11652 GDS  
**Errors:** n/a  
**Film Number:** n/a  
**From:** NATO  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19761290/baaabacw.tel  
**Line Count:** 122  
**Locator:** TEXT ON-LINE  
**Office:** n/a  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** BoyleJA  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 06 APR 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <06 APR 2004 by ShawDG>; APPROVED <02 AUG 2004 by BoyleJA>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** n/a  
**TAGS:** PLOS  
**To:** STATE  
BRUSSELS INFO PARIS IMMEIDATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006